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Scott II-27-58,004-4-11-46.

(194⁷) Department.

(1130) SERIES.

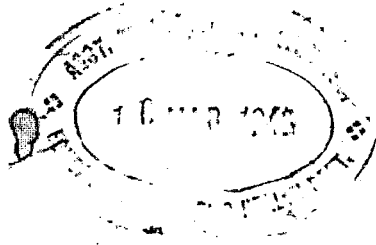
G.O. NO. 1130 Education.

1130

Dated 4th June, 1947.

[Despatch Abstract.]

Establishment District Board South Kanara- 1130
Shenai Sir K.L.T. Assistant Cancellation or commutation-
petition against orders passed.



13819

The Secretary to G.
Education and

Q

M A D R A S.

Through

The Director of Public Instruction,

M A D R A S.

The President, District Board, South Kanara.

M A N G A L O R E

The Head Master, Board High School,

U D I P I.

Memorial by K. Vittal Sheng
(Science)
2nd Assistant, Board High

Sir,

The Memorialist begs to submit the following humb.
the kind and sympathetic consideration and favourable orders of

1. The Memorialist was confirmed as Second Science Assis
High School, Udipi, in the L.T. cadre of school assistants under
District Board as far back as 17-2-44 after a total approved serv
four years and a half and after duly taking into consideration or
the claims of all others in the cadre, as per rules then in force,
District Board, South Kanara.

2. Now the Memorialist has been served with another ord
D.Dis. 21161/44 dated 31-12-45 of the President, District Board,
cancelling his above confirmation and confirming one Mr. K. Gopal
B.A., B.Ed., a Mathematics Assistant in his place, acting on the P.
the Director of Public Instruction, Madras, L.Dis. 1870-G/44 date
this has come to the Memorialist as a great shock and shattered
specially as he has been discharging his duties all these si
to the entire satisfaction of all his superiors. Consequently, the cancel
of the confirmation was a great blow to the Memorialist whatsoever.

and to the Kanara District

Arth Kanara, he learns that the

and the President to cancel his

and by the said Mr. K. Jagannath

in the L.S. order should be

consideration the subject needs of the school in

are made but strictly according to the seniority of

and to the date of completion of preparation as per sub

of the said order issued in G.O.No. 2342-L.S. dated

and by G.O.No. 2342-L.S. dated 10-11-40.

and it has to be pointed out that ever since 1936, i.e.,

years, the South Kanara District Board has been following

in the said order, and in the regard to the

schools, according to the letter L.S. No. 210-G-30 dated

and the District Officer, South Kanara and also (2) to

G.O.No. 712/40 dated 12-8-40 of the Director of Public Instruction

and to the said order in the said report in the L.S.

and by the senior and probationer in that subject group

for the latest proceedings of the Director of Public

and, in the matter and therefore, the Director of Public

advising the President, District Board, South Kanara, to cancel

of the Kanariast has not observed the spirit of his com

and were issued long after the said G.O.No. 2342-L.S. dated

and the same were passed. Any orders passed subsequently

and then automatically retrospective effect and above all, -

and the interests of a person who had been confirmed strictly -

and the Departmental Rules in force at the time of his confirmation

and the South Kanara District Board has all along been confirming

various Secondary schools, assigning seniority to the L.S.

list of establishments and confirming L.S. in their order

and it will be evident from a kind perusal of the connected

and the District Board from time to time, the list of -

and the District Board and the various orders

and by the President, District Board, confirming L.S. respectively. For

Instance, the orders confirming the Memorialist say that he has been confirmed "Second Science Assistant of Board High School, Udipi" and this in itself is a testimony to the above fact.

6. Prior to 1936, i.e., before the above practice came into vogue, the strength of Science L.Ts. under the District Board was only 5, whereas that of History and Mathematics L.Ts. was more than double this number in each case, with the result that there was no adequate qualified staff to teach science subjects in the various schools. The above practice, therefore, while increasing the number of science hands as required by Educational Rules, has benefited a few Science L.Ts. (of whom the Memorialist is but one) in the matter of confirmation, while an equal number of other L.Ts. who were adversely affected by the above practice (of whom the said Mr. K. Gopalkrishna Nayak is to be one) had to be still on probation.

7. Now, if seniority with reference to date of completion of probation alone were the criterion for confirmation as has been pointed out by the Director of Public Instruction, Madras, in his proceedings L.Dis. 1870-G/44 dated 1936 and if retrospective effect were given to the confirmations already made, the confirmation of two other Science L.Ts. who are both junior to the said Mr. K. Gopalkrishna Nayak also ought to have been cancelled and, therefore, the Memorialist feels that the Director of Public Instruction, Madras has done injustice to him by making a distinction in his case only and that, at the lapse of about 2 years from the date of his confirmation.

8. Again, the Memorialist begs to submit that he too has put in approved service of more than six years and a half, and is only eighth in seniority among the Science L.Ts. in Board service, which has under its management six High Schools, all offering science subjects for optional in the S. and all having two sections in each of the High School Forms. So, over a rate of two Science L.Ts. (as required by Educational Rules) per each of the five permanently recognised High Schools, the Memorialist has a permanent post under the District Board management.

9. Lastly, the particular post the Memorialist is holding in Board High School, Udipi, was advised to be filled by a Science District Educational Officer, South Kanara, in his inspection (an extract from which has been enclosed) and, in fact, the Memorialist was transferred

ransferred to the school in May 1942 mainly to replace a Mathema
..T. as per the said advice of the District Educational Officer, South
anara. The confirmation, now in the said post, of a Mathematics B.K.D.
he is not in any way qualified to teach science subjects, seems to the
 Memorialist to be highly anomalous.

In these special circumstances, the Memorialist begs to submit
the Government may be pleased to review the circumstances of this
ular case, and to issue early orders setting aside Proceedings -

11161/44 dated 31-12-45 of the President, District Board, South
anara and to allow the confirmation of the Memorialist to stand. -

herwise, the Memorialist feels that he has been singled out for hardship

justice and by a single stroke of the pen, and for no fault of his

-, deprived of all the advantages accrued to him so far as a -

hand for the last two years.

For which act of sympathy, the Memorialist will ever pray.

K. Vital Shenas -
7-3-46.
Memorialist.

*mitted through the proper channel in duplicate.
mitted direct then to the Secretary to Government
on 2 Public Health Department, Madras!*

Gov. H. Dept (B/)

May lie over till 14/4/46; the Gov. S. me

if necessary, be reminded on that date.

*14/3/46
14/3/46*

15/3/46

EXTRACT FROM THE INSPECTION REPORT OF BOARD HIGH SCHOOL, UDIPI
FOR THE YEAR 1941-42.

X XX X X X X X

There is over representation of History and Mathematics Graduates on the staff. One of the History L.Ts. may give room to one trained in - Geography. One of the Mathematics L.Ts. may be replaced by a Science L.T. preferably one with Natural Science as optional who besides teaching the - Elementary Science subjects may also be of service in teaching Physiology or Botany under C Group if any of these is thought of as an additional - subject under Group C.

X X X X X X

Sd/- U. Sathyanarayana.
District Educational Officer,
South Kanara.

(True copy).

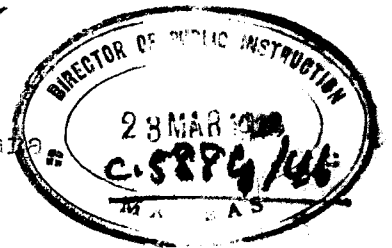
R. Vittal Shumai
72

L.Dis. 4726/46.

Office of the South Kanara Dt. Board,
Mangalore, Dated 19-3-46.

From

Sri A. Lexminarayana Rao, B.A., B.L.,
President, District Board, South Kanara
MANGALORE.



To

The Secretary to Government,
Education and Public Health Department,
MADRAS.

Through

The Director of Public Instruction,
MADRAS.

Sir,

ESTABLISHMENT - South Kanara District Board - Board High School
Udipi - Cancellation of confirmation - Memorial of Sri K.
Vittal Shenoy, assistant teacher - Forwarded.

P.P. 1-11-46
The memorial of Sri K. Vittal Shenoy, assistant, Board High
School, Udipi for reconsideration of the order of cancellation of
his confirmation in his post is enclosed,

④/11/46
2. The confirmation of the memorialist in his post was cancelled
agreeably to the Proceedings L.Dis. 1870-G-44 dated 6-11-44 of the
Director of Public Instruction, Madras. Kind attention of Govern-
ment is also invited to the Government Memorandum No. 4103-1-B
Education and Public Health Department dated 15th *September* 1945 issued
in the matter.
①
23cf

P.P. 1-11-46
3. I take this opportunity of reiterating my recommendations
on this teacher's case in my letter Ref. C. No. 21161-44-A3 dated
22-11-45 addressed to the Director of Public Instruction, a copy
of which I have enclosed for ready reference. The case of this
teacher is really hard. He is one of the best teachers under the
board. I am sure orders cancelling his confirmation will tell upon
his mind and considerably affect his efficiency as a teacher. I
request Government to redress the grievances of the teacher as a
special case.

Manoj Kumar
24/3
PRESIDENT,
District Board, South Kanara.

BP/21-3.

P.P. 1-11-46
21/3/46

6

ESTABLISHMENT - Secondary Schools - Vacancies in the L.T. cadre -
confirmation of - procedure to be adopted.

Ref: Your L.Dis. 1870G-44 dated 6-11-44 and Government Memo. No.
4103-1B Education and Public Health dated 15-9-45.

④/13/45

④/23/45

I request that the instructions issued in your Endorsement R.C.
No. 2379G-44 dated 6-2-1945 communicated in Government Memo. No. 4103-
1B Education and Public Health dated 15-9-45 may be permitted to be
given effect to in cases of L.T. assistants to be confirmed in future
i.e., after the dates of the issue of Government Memorandum for the
reasons already explained in my letter Ref.C. No. 21168/44-A3 dated
13-12-44.

1897-90/45 ②

2. Sri K. Vittal Shenoy was confirmed in preference to Sri K.
Gopalakrishna Naik on the basis of the instructions issued in
District Educational Officer's letter R.C. No. 860G-39 dated 8-4-39
requiring the appointment and confirmation of L.T. assistants in the
particular posts subject-war. Even according to your proceedings
Dis. No. 732/40 dated 10-2-40 it is observed that a vacancy in a parti-
cular subject should be filled up by a senior most probationer in that
subject group. Furthermore I have to add that Sri K. Vittal Shenoy
was granted leave in view of his confirmed ~~service~~ ~~(and)~~. The
cancellation of his confirmation after a lapse of about two years will
lead to complications.

copy with
secret

④
P.H.C.

3. I, therefore, request that you may be pleased to reconsider
your orders issued in your proceedings L.Dis. 1870G-44 dated 6-11-44
and allow the confirmation of Sri K. Vittal Shenoy to stand. Sri K.
Gopalakrishna Nayak after his confirmation, will be assigned the rank
originally given to him in the list of permanent establishment as per
the instructions issued in Government Memo. No. 14145B-42-2 Education
dated 6-5-1942 communicated in your endorsement N.Dis. 1525G-45 dated
8-10-45.

④/22/45

Sd/ A. Laxminarayana Rao,
PRESIDENT,
District Board, South Kanara.

BP/21-3.

/True copy/

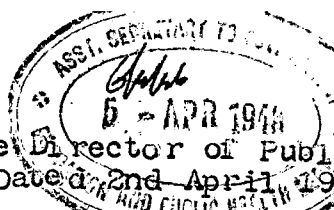
8/21/46

Mahalingam
21/5

President,
District Board, South Kanara.

3/3
7
R.C. No.
588-G/46.

Office of the Director of Public Instruction,
Madras, Dated 2nd April 1946.



18835

SUBJECT:- Memorial --Sri K. Vittal Shenai, Assistant - Secondary schools - District Board, South Kanara - ~~xxxxxx~~ against the orders of the President, District Board cancelling his confirmation.

REFERENCE:- (1). Memorial dated 7-3-46 from Sri K. Vittal Shenai, and
p. 9 anti (2). Letter L. Dis. No. 4726/46 dated 19-3-46 from the President, District Board, South Kanara.

.....

Submitted.

2. Against the President, District Board's order dated 31-12-45, cancelling his confirmation, Sri K. Vittal Shenai should have, under the rules, preferred an appeal only to the Director of Public Instruction who is the appellate authority and not to Government.

3. However, as Government are fully conversant with the case the papers are submitted herewith and attention is invited to the correspondence ending with Government Memo No. 4103-1.B Education and Public Health dated 15-9-45.

4. There is no case to support the present memorial of Sri K. Vittal Shenai.

(2)/23cf.

For Director of Public Instruction, Madras.

To

The Secretary to Government,
Education and Public Health Department, Madras.

AN/2/4/

14 Exp. H. (B.1)

83/22/4

Memo. No. 18835 B.1/46-1

Edu. d. 22-6-46

Sub:- Estt. - Dt. Bd., South Kanara - Sri K. Vittal Shenai, L.T. assistant - Cancellation of Confirmation

Ref:- From the D.P.O., R.C. No. 588-6/46 d. 2/4/46.

The D.P.O. is requested to offer his remarks on the point raised by the petitioner in para 7 of ~~the~~ his petition that the confirmation of two other ^{who were last junior to him} Senior Assistants also ought to have been cancelled if seniority were to be reckoned as stated in the Director's

2 sent on 25/5-24/46

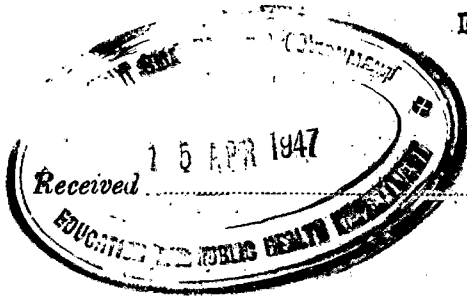
with 22/4

the D.P.O. (with petition to be rectd. with reply) Proceedings L. Dis. 1870-6/46 d. 6/11/44.

Rd 22/4/46
Rd 24/5/46
Rd 11/6/46

cc: u-u-b

EDUCATION DEPARTMENT.



19

Registered 19

Subject.

MEMORIAL--Sri K. Vittal Ghensai, Assistant -- Secondary Schools--
District Board, South Kanara--against the orders of the
President, District Board cancelling his confirmation.

ENCLOSURES.

No.

Spare copies

R. C. No. 1359-G1/46.

Station Madras, Dated the 9th April 19 47.

From (Name) Dr. S.R.U. Savor, M.A., D.Sc., I.E.S.,
(Designation) Director of Public Instruction, Madras.

To The Secretary to the Government of Madras,

Education and Public Health Department.

Fort St. George, Madras.

Sir,

With reference to Government Memorandum No. 18835. B1,
46-1 Education dated 22.4.1946 I have the honour to state that
the two assistants

1. Sri H. Muddanna Shetty
2. Sri K. Manjunatha Kudbi

referred to in para 7 of Sri K. Vittal Ghensai's memorial
(herewith enclosed) are juniors in the L.T. cadre to Sri
K. Gopalakrishna Naik and that they were confirmed in the
L.T. cadre in Science vacancies on 30.6.1940 and 18.7.1940
respectively (i.e.) long before the confirmation of the
memorialist on 17.2.1944 since cancelled. With reference
to the instructions given to the Director of Public Instruction

Proceedings L.Dis.No.1870-G/44 dated 6.11.1944, the President, District Board should ordinarily have cancelled the confirmations of the above two teachers when he cancelled the confirmation of Sri K. Vittal Shenai and fixed the dates of confirmation according to seniority in the L.T. cadre. I should like to remark that their cases never came to my notice and therefore the petitioner is not right in saying that he alone was singled out by the Director. But now that the senior, Sri K. Gopalakrishna Naik has been confirmed in the L.T. cadre, there is no need to cancel the confirmations of Sri H. Muddanna Shetty and Sri K. Manjunatha Kudbi and Sri K. Gopalakrishna Naik may now be placed above them and be assigned rank over them in the list of permanent establishment with reference to para 1 of Government Memorandum No.14145 B/42-2 Education dated 6.5.1942. *Coln of P.21 after*

But there are certain general questions arising in this connection which deserve the careful attention of Government. I am addressing Government on these in a separate communication (under separate cover) (this office letter Rec.No.1359-G/46 dated 9.4.1947).

I have the honour to be,
Sir,
Your most obedient servant,

For Director of Public Instruction.

ks. x4. *308*
15-47

T.M. 2. (by foot) 8. 27.4.47

From the Asst. Secretary to Govt. Exp. Dept.
To the Dy. S. P. G.

p. p. 16-17 only.

Ref. D. P. J's letter R.C. No. 1359-61/4.
 89-6-47. reg. Memorial - Sri K.
 Vittal Shenai, Asst. St. Bd. - High
 School, Dunt Kanora - Cancellation.

please furnish a copy of memo no.
14145 B/wr - 2-Edm. of 6-5-42. quoted
in the Director's letter read above

As
25.4.12
25.4.12
25.4.12

1942 census have been destroyed.

POST COPY OF THE TELEPHONE MESSAGE DATED 5-5-1947.

rom

The Director of Public Instruction,
Madras.

To

The Assistant Secretary to Government,
Education and Public Health Department

Ref:- Your Telephone message by post dated 27-4-1947 calling for a copy of Government Memo. No.14145-B/42-2, Pdn., dated 8-3-1942.

A copy of the above Government Memorandum. is furnished herewith as desired.

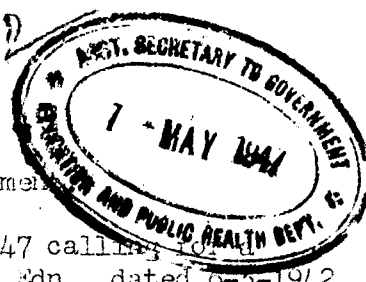
Mr. S. S. Vannambal
for Director of Public Instruction.

*KP.6/5.

5/5.

5/5

6/5



COPY of Director's Proceedings Dis.No.2684-/42, dated 22-7-1942.

Read:- Government Memorandum No.14145-B/42-2, Edn., dated 6-5-1942.

The Director of Public Instruction is informed that under the rules in G.O.No.250, Local Administration, dated 19-1-1940 the confirmation of a person who completes his probation earlier than one who is senior to him with reference to the date of first appointment which counts for probation, need not be deferred till the latter completes his probation. But when the Senior is confirmed he will be placed above the junior already confirmed and be assigned the rank originally given to him, in the list of permanent establishment.

2. The Director of Public Instruction is also informed that, under sub-rule(5) of rule 47 of the rules referred to above, there is no objection to an approved probationer being confirmed with retrospective effect from the date on which the vacancy arose or from any subsequent date from which he has been continuously acting.

M.V.Subrahmanyam,
Secretary to Government.

Copy communicated to all Divisional Inspectors of schools and Inspectresses of Girls' Schools for information and guidance.

True copy.

M. S. Subrahmanyam

For Director of Public Instruction

13

E & P.H. (B1)

Establishment-District Board South Kanara-Vittal Shenai Sri K
L.T.Assistant Cancellation of confirmation - petition against
Orders passed

Petition from Sri K.Vittal Shenai Asst Board-High School, Udipi,
dated 7-3-46
From the P.D.B.South Kanara L.Dis 4726/46 dated 19-3-46
From the D.P.I. R.C.No 588 G/46 dated 2-4-46 and No 1359 G-1/46
dated 9-4-47.

Order
Ms.

1130 Edn 8/4.6.47

The memorialist's request cannot be complied with.

The Special Officer Dt Bd South Kanara is requested to inform
the Assistant accordingly.

To
The Special Officer Dt
Bd S.Kanara
,,D.P.I.
I.S.E.

24.5.47

3/6/47

14

Memo. No.

Edu. d/

Sub: Establishment - Dt. Bd., South Kanara -
Sri K. Vittal Shenai, ~~Asst.~~ L.T. assistant -
cancellation of confirmation.

From Sri K. Vittal Shenai, Petition d. 7/3/46.

" the P.D.B., South Kanara, L. Dis. 4726/46 d. 19 $\frac{3}{4}$ 46.

" " D.P.I., R.C. no. 588-G/46 d. 2/4/46.

The P.D.B., South Kanara is requested to
inform Sri K. Vittal Shenai that his request
cannot be complied with.

the P.D.B. S. Kanara.

" D.P.I.

4/12/46.
1822
12/4/46

15.4.46.

Copy - 2 (11) cf

Note:- The petitioner requests that the Proceedings of
the D.P.I., L. Dis. no. 1870-G-44 d. 6/11/44, a copy of which is
at p. 11 of (11) may be set aside and his confirmation
may be allowed to stand. Attention is invited to the

and the ~~Endt~~ on p-23 of. in Endt No. 4103-1B Edn d. 15/9/45.
The Director's proceedings were to the effect that confirmation
should be made according to seniority as per sub rule (5) of
rule 8 of the rules relating to establishments and not
with reference to the subject needs of the school. The
position taken by the Director is in accordance with the rules
and there is no case for interference.

cf. 12/4/46. Draft Memo. overleaf is subd. for approval.

2502
12/4/46

Y
S. 15-sub.

S.

Mr. Wm. dnr. 'P' u. 1:3 g?
by
16/11/46.

Secretary's query above.

It does not follow, as stated by the petitioner, that if the
confirmation of the petitioner were cancelled in order to confirm
a senior (Mr. Gopalakrishna Naik) in the vacancy, the confirmation
of two other assistants who were also junior to the said Gopalakrishna
Naik should also be cancelled. Probably there were two other

permanent vacancies besides the one that was held by
 petitioner and the two other assistants referred to could
 against those two ^{permanent} vacancies. However, as the D.P.I. has
 offered any remarks on this point, he may be specified
 to offer his remarks. Draft Memo. is subd. for app
 17/4/46
 17-4-46
 15

14. cf. [Issued as Memo. No. 188 35-11/46-10 am 11-4-46]

pp 121 11-4 From the D.P.I. R.C. No 1359 G-1/46 dated 9-4-46 and postcopy of T.M. dated 5-5-47.

Please see the memorial of Sri K.Vittal Shendri, Science Assistant,
 Board High School Udipi on pp 1-4 C.F. He was confirmed as an L.T.Asst
 in February 1944 in preference to Sri K.Gopalakrishna Naik, Mathematics Asst,
 acting on the instructions issued by the D.E.O. in 1939 that appointments
 and confirmations in the L.T. cadre should be made ~~in the order~~ subjectwar.
 The latter appealed to the D.P.I. against the confirmation of the memorialist
 and it was pointed out by the D.P.I. when allowing that appeal that
 confirmation in the L.T. cadre should be made in the order of seniority
 determined with reference to the date of first appointment and that subject
 needs should not be taken into account for that purpose. The order of
 confirmation of the memorialist was therefore cancelled by the P.D.B. and
 Sri K-Gopalakrishna Nayak was confirmed in that vacancy. The memorialist
 now requests that the Director's order may be set aside and his confirmation
 may be allowed to stand.

2. Attention is solicited to paras 1&2 of the notes connected with
 Endt No 4103-1B1 dated 15-9-45. The position taken by the Director is in
 accordance with the rules under which the subject needs should be taken into
 account only when recruitment to the L.T. cadre is made and not at the time
 of confirmation which should be made according to seniority as determined by
 the date of first appointment. The petitioner's request cannot therefore be
 complied with.

3. In para 7 of his petition, the petitioner has pointed out that the
 confirmation of two other assistants junior to Gopalakrishna Nayak should

also have been cancelled. The D.P.I. admits that this should have been done but ^{as far as} it is not necessary to do so now as Sri Gopalakrishna Nayak will be assigned rank over his seniors in the L.T.Cadre. The P.D.B. South Kanara has also reported that this will be done.

4. As pointed out by the D.P.I. the memorialist should have appealed to the D.P.I. against the President's order cancelling the confirmation as L.T.Asst but he has petitioned to Govt. As the D.P.I. has requested that orders may be passed by the Govt, the petitioner's request may be negatived as recommended by the D.P.I.

A draft order is submitted below for approval.

26/5/47

1/
26/5/47 S 1/
31/5/47